

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
  
vs.  
JOSEPH COPPOLA,  
  
Defendants.

CASE NO: 2:03-cr-00010

**ORDER GRANTING  
STIPULATION TO CONTINUE  
REVOCATION HEARING**

(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Melanee Smith, Assistant United States Attorney, and Joseph Coppola, by and through his attorney, Rachael E. Stewart, that the Revocation of Supervised Release Hearing currently scheduled for March 7, 2023, at the hour of 11:00 a.m., be continued for a period of one week, to a date and time convenient to this Court.

This stipulation is entered for the following reasons:

1. The parties recognize that the preliminary hearing in this case had been continued multiple times before waiving the preliminary hearing and proceeding with the revocation. The continuances have been due to the parties working through specific issues in the case in order to come to a resolution before the revocation hearing.

2. Additionally, the parties request a one week continuance because the United States Probation Officer assigned to the case has a scheduling conflict with the current setting. Although it is typical that a U.S. Probation Officer would have another officer cover the hearing, this case involves very extensive negotiations and discussions, and it would be most appropriate for the assigned U.S. Probation Officer to be present.
3. Defense Counsel has spoken with Assistant United States Attorney Melanee Smith, and the Government agrees to the continuance.
4. Defendant Joseph Coppola is in custody, and he does not oppose the continuance.
5. The additional time requested herein is not sought for purposes of delay.
6. Denial of this request for a continuance would deny the parties sufficient time to prepare for the revocation hearing, taking into account the exercise of due diligence.
7. Additionally, denial of this request for continuance could result in a miscarriage of justice.

This is the first stipulation to continue the revocation hearing in this case.

DATED this 6th day of March, 2023

Respectfully submitted,

/s/ Rachael E. Stewart  
Rachael E. Stewart, Esq.  
Counsel for Joseph Coppola

/s/ Melanee Smith  
Melanee Smith, Esq.  
Assistant United States Attorney  
Counsel for the United States of America

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**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties recognize that the preliminary hearing in this case had been continued multiple times before waiving the preliminary hearing and proceeding with the revocation. The continuances have been due to the parties working through specific issues in the case in order to come to a resolution before the revocation hearing.
2. Additionally, the parties request a one week continuance because the United States Probation Officer assigned to the case has a scheduling conflict with the current setting. Although it is typical that a U.S. Probation Officer would have another officer cover the hearing, this case involves very extensive negotiations and discussions, and it would be most appropriate for the assigned U.S. Probation Officer to be present.

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4. Defendant Joseph Coppola is in custody, and he does not oppose the continuance.
5. The additional time requested herein is not sought for purposes of delay.
6. Denial of this request for a continuance would deny the parties sufficient time to prepare for the revocation hearing, taking into account the exercise of due diligence.
7. Additionally, denial of this request for continuance could result in a miscarriage of justice.

### **CONCLUSION OF LAW**

The ends of justice served by granting said continuance outweigh the best interests of the public and the defense, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the revocation hearing, taking into account the exercise of due diligence.

### **ORDER**

IT IS THEREFORE ORDERED that the Revocation Hearing scheduled for March 7, 2023 at 11:00 a.m. be vacated and continued to April 4, 2023 at 10:00 a.m. before Judge Larry R. Hicks in Reno Courtroom 3.

IT IS SO ORDERED

DATED this 6<sup>th</sup> day of March, 2023.

  
LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE